

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3822-02
BILL NO. HB 1906
SUBJECT: Drunk Driving: Crimes and Punishment
TYPE: Original
DATE: March 15, 2000

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|------------------|------------------|------------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| Local jails | (Unknown) | (Unknown) | (Unknown) |

Numbers within parentheses: () indicate costs or losses
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation** assume this proposal would have no fiscal impact to their agency.

Officials from the **Office of Prosecution Services** assume this proposal could result in more trials, but the costs could be absorbed by prosecutors.

Officials from the **Office of the State Public Defender (SPD)** assumed that existing staff could provide representation for those cases arising from this proposal where indigent persons were accused. However, passage of more than one similar proposal would require the SPD system to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Office of the State Courts Administrator (CTS)** assumes the proposal would increase the mandatory jail time for prior and persistent intoxication-related traffic offenders. CTS also anticipates a possible increase in the number of trials requested. However, CTS does not anticipate a significant impact on the workload of the courts.

In response to a similar proposal last session, the **Department of Corrections (DOC)** stated that it cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.41 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day). Supervision by the DOC through probation or incarceration would result in some additional costs but it is assumed that the impact would be \$0 or a minimal amount that could be absorbed.

Oversight assumes local jails could incur unknown costs due to these mandatory, increased incarcerations.

| <u>FISCAL IMPACT - State Government</u> | FY 2001 (10 Mo.) | FY 2002 | FY 2003 |
|---|---------------------|---------|---------|
| | 0 | 0 | 0 |

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FISCAL IMPACT - Local Government

FY 2001 FY 2002 FY 2003
(10 Mo.)

Costs - Political Subdivisions

Mandatory incarcerations

(Unknown) (Unknown) (Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal changes the eligibility requirements for prior and persistent offenders seeking parole or probation. The proposal requires prior offenders to serve at least 10 days of imprisonment and persistent offenders to serve at least 30 days of imprisonment for eligibility. Currently, parole and probation are available if the offender has served 48 hours of imprisonment, but this requirement may be waived if the offender performs 10 days of supervised community service.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Transportation
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections



Jeanne Jarrett, CPA
Director
March 15, 2000